

**AMENDMENT #2 TO AGREEMENT TO PROVIDE PROFESSIONAL  
SERVICES FOR THE DURHAM ELEVATED WATER STORAGE TANK  
PROJECT BETWEEN THE CITY OF DURHAM AND  
KIMLEY-HORN AND ASSOCIATES, INC.**

This Contract Amendment (“Amendment #2”) is dated and entered into as of the \_\_\_\_\_, between Kimley-Horn and Associates, Inc. (“Engineer”) and City of Durham (“City”).

The City and the Engineer entered into a contract titled “Contract for Professional Engineering Services between the City of Durham, North Carolina and Kimley-Horn and Associates, Inc. for Design and Permitting services related to the Durham Elevated Water Storage Tank Project” dated August 12, 2008. That Contract is referred to as the “Original Contract.” The Original Contract provides for services to design a 3 million gallon elevated water storage tank for a total potential contract amount of \$441,100.

The Original Contract was subsequently amended on June 28, 2010, by instrument titled, “Amendment to Agreement to Provide Professional Services for the Durham Elevated Water Storage Tank Project between Kimley-Horn and Associates, Inc.,” (“Amendment No. 1”). Amendment No. 1. adding \$146,600 to the Engineer’s fee for services related to the design of the Southeast Pressure Zone Pump station.

This Amendment includes two (2) parts as follows:

Attachment No. 1 Part A, adds Scope and Fee for “additional services” associated with the permitting process required for the construction of the proposed elevated water storage tank. These services include, but are not limited to, the project’s Site Plan Approval process, Special Use Permit process, DPW-Development Review process and multiple Board of Adjustment (BOA) hearings. The total fees for Part A final design phase services is \$86,752.14.

Attachment No. 1 Part B, adds “additional services” for the design and renovations to the East Durham Elevated Water Storage Tank valve vault. The total fees for Part B final design phase services is \$11,315.20.

The Original Contract is hereby amended as follows:

**1. Exhibit A, Engineer’s Services shall include the addition of the following:**

- Attachment 1 – Part A
- Attachment 1 – Part B

**2. Exhibit C, Payments to Engineer for Services and Reimbursable Expenses.** In Article 4 – PAYMENTS TO THE ENGINEER, delete Sub-Article “C4.01 For Basic Services Having a Determine Scope – Lump Sum Method of Payment”, Paragraph A, Sub-Paragraph 1, in its entirety and replace with the following:

1. A Lump Sum amount of **\$528,067.34** based on the following assumed distribution of compensation:

	TASK	AMOUNT
a.	Study and Report Phase	\$ 26,000.00
b.	Preliminary Design Phase	\$ 58,000.00
<b>c.</b>	<b>Final Design Phase</b>	<b>\$ 330,067.34</b>
d.	Bidding and Negotiating Phase	\$ 21,000.00
e.	Construction Phase	\$ 79,000.00
f.	Post Construction Phase	\$ 14,000.00
	<b>TOTAL AMOUNT</b>	<b>\$528,067.34</b>

3. All other terms of the Original Contract not modified or changed by this Amendment shall remain in full force and effect.

\*\*\*REMAINDER OF PAGE LEFT BLANK INTENTIONALLY\*\*\*

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 2.

ATTEST:

**KIMLEY-HORN AND ASSOCIATES, INC.**

By: Richard R. Rohrbaugh, P.E.  
Title of Officer: Senior Vice President

By: Kevin F. Carter, P.E.  
Title of Officer: Senior Project Manager

Corporate Seal - Engineer

Date Signed: \_\_\_\_\_

State of North Carolina

ACKNOWLEDGMENT BY CORPORATION

County of Wake

I, a notary public in and for the aforesaid county and state, certify that Kevin F. Carter personally appeared before me this day and stated that he or she is Assistant Secretary of Kimley-Horn and Associates, Inc., a corporation, and that by authority duly given and as the act of the corporation, the foregoing Contract or Agreement with the City of Durham was signed in its name by its Senior Vice President, whose name is Richard R. Rohrbaugh, sealed with its corporate seal, and attested by him/herself as its said Secretary or Assistant Secretary. This the 10<sup>th</sup> day of May, 2012.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**CITY OF DURHAM**

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_

PRE AUDIT CERTIFICATE